

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATAUSHA SIMMONS,

Plaintiff,

v.

CITY OF WARREN, *et al.*,

Defendants.

Case No. 19-cv-11531

Honorable Laurie J. Michelson

Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING DEFENDANT MACOMB COUNTY’S MOTION FOR
PROTECTIVE ORDER (ECF NO. 69)**

Defendant Macomb County moves for a protective order relieving it of any obligation to answer Plaintiff Latausha Simmons’s written discovery requests. ECF No. 69. Simmons has not responded to the motion. The Honorable Laurie J. Michelson referred the case to the undersigned for all pretrial proceedings under 28 U.S.C. § 636(b)(1). ECF No. 53.

“Absent express permission from the court, parties should assume that the discovery deadline is the end of discovery.” *Boone v. Stieve*, 642 F. Supp. 3d 597, 603 (E.D. Mich. 2022). Since a party must respond or object to discovery requests within 30 days of being served, “a party must serve his discovery requests at least thirty days before the court-ordered discovery deadline to be timely and to necessitate a response.”

Appalachian Reg'l Healthcare, Inc. v. U.S. Nursing Corp., No. 714CV00122KKCEBA, 2017 WL 9690401, at *5-6 (E.D. Ky. Sept. 1, 2017)). And the scheduling order stated, "Discovery requests must be made in sufficient time for the opposing party or parties to respond before the discovery cutoff and/or for a motion to compel to be filed before the discovery cutoff." ECF No. 55.

Simmons mailed her discovery requests on September 18, 2024. ECF No. 69-1, PageID.1760. With a discovery cutoff of September 4, 2024, Simmons's requests were served too late. See ECF No. 55. Nor did Simmons move for an extension of discovery. That the discovery requests were untimely is enough to relieve the County from its obligation to respond. See *Anderson v. Furst*, No. 2:17-12676, 2019 WL 2284731, at *5 (E.D. Mich. May 29, 2019). Thus, the Court **GRANTS** its motion for a protective order.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: November 4, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 4, 2024.

S/Davon Allen
DAVON ALLEN
Case Manager